

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
OCTOBER 5, 2010**

**CALL TO  
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present was Gina Klempel, Scott Hollinger, Gary Krueger and Craig Wagner. Mark Hash had an excused absence. Bailey Iott and Allison Mouch represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

**APPROVAL OF  
MINUTES**

Wagner motioned and Krueger seconded to approve the September 7, 2010 minutes. The motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

None.

**JUDY BEECHER  
(FCU 10-15)**

A request by Judy Beecher for a Conditional Use Permit to allow for a Family Hardship Dwelling on property within the Blanchard Lake, AG-40 (Agricultural) Zoning District. The property is located at 264 Camp Trail.

**STAFF REPORT**

Bailey Iott reviewed Staff Report FCU 10-15 for the Board.

**BOARD  
QUESTIONS**

Hollinger asked for clarification on the request for a well permit.

Iott clarified her request.

**APPLICANT  
PRESENTATION**

Ron Donsbach represented the applicant. He wanted to comment on concerns about the road maintenance and maintenance agreements. They did not feel they would impact the road by 10 trips, the road association was not filed and there was concern with whom to send the money for the agreement to. He had equipment which would be able to help maintain the road.

**BOARD  
QUESTIONS**

Klempel asked who had been maintaining the road.

Donsbach said all the neighbors. Mike Johnson did a lot of the maintenance.

**PUBLIC  
COMMENT**

Amy Williams, 340 Camp Trail, spoke for other people who have submitted public comment and were unable to be there in person. She handed out pictures and was against the application.

Mike Johnson, lives next to the applicant, was against the application.

Williams further commented on the number of cars which would be added if the application was approved.

Robert Rice vouched for the character of the applicants and was in favor of the application.

**STAFF  
REBUTTAL**

Iott clarified the flooding issues which were raised in public comment, what staff looked at when considering a CUP, and how the parking spaces number was determined.

The board, applicant and staff discussed how staff evaluated the need for care, the square footage of proposed building, why the applicant would not build a guest house, and permanent versus temporary foundations.

**APPLICANT  
REBUTTAL**

Donsbach commented on the driveway and easement concerning traffic, the results of perk tests, the machinery and trailer home parked on the property, options for the septic and well issue, who would be living in the hardship dwelling, and installing a larger pump to get water to all the houses.

Judy Beecher discussed her issues which concerned vandalism, her fear of living by herself and her work schedule.

**BOARD  
DISCUSSION**

The board and Iott discussed the need for specification of a foundation in place under the new building.

**MAIN MOTION  
TO ADOPT  
F.O.F., AMEND  
CONDITION #3  
AND APPROVE  
(FCU 10-15)**

Krueger made a motion seconded by Wagner to adopt staff report FCU 10-15 as findings-of-fact, amend condition #3 to read:

Condition #3 – As the applicants have indicated the existing residence will eventually be removed from the property, the proposed family hardship dwelling will be considered the principal structure onsite *and placed on a permanent foundation*, and therefore required to comply with all applicable bulk and dimensional requirements regarding principal structures within the AG-40 zoning.

and approve FCU 10-15.

**BOARD  
DISCUSSION**

Hollinger said the criteria for hardship dwelling needed to be revisited and clarified.

**ROLL CALL TO  
ADOPT F.O.F.,  
AMEND  
CONDITION #3  
AND APPROVE  
(FCU 10-15)**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS**

The board and staff discussed briefly the status of two files which had been either postponed or would be resubmitted.

**NEW BUSINESS**

The board asked the agenda for next month's meeting and when their terms were up. The board and staff also discussed how to communicate to the public what the board considered when hearing an application for a hardship dwelling and the possibility of these types of applications increasing in the future.

**ADJOURNMENT**

The meeting was adjourned at approximately 6:55 pm. on a motion by Wagner. The next meeting will be held at 6:00 p.m. on November 9, 2010.

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Scott Hollinger, Chairman

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Donna Valade, Recording Secretary

APPROVED AS **SUBMITTED**/CORRECTED: 11/9/10